

REMARKS

Claims 1-3 are pending in this application. All of the pending claims are rejected.

Claims 1-3 are currently amended. Reconsideration and further examination are respectfully requested.

Claim 1 is rejected under 35 U.S.C. 103(a) based on Kallio in view of Eng. As currently amended, claim 1 emphasizes two main features that provide advantages over known access points. The first feature is initial channel selection. Many prior art access points are configured to begin operation on a particular pre-programmed channel when powered-up. While this prior art configuration might be acceptable where the access point is not installed near other access points, many enterprises and even some residential environments are relatively densely populated with access points. It should be appreciated that it is undesirable to have many access points start operation on the same channel following a power-cycle in such an environment. The presently claimed invention helps solve this problem by facilitating channel selection. In particular, channel selection includes sending a message to claim a channel, and resolving conflict where more than one access point claims the same channel. The second feature is a service auction. Many prior art access points are configured to accept every station which attempts to become associated that access point (up to the point of overload). In particular, stations send probes and re-association requests which cannot be rejected by the prior art access points. The presently claimed invention helps solve this problem by causing the access point to select only a subset of the requests to become associated in a given period, i.e., in a given round of the auction. One advantage of this technique is mitigation of hunting-roaming and forced overload of access points. These features are not taught or suggested by the cited references.

Various informalities have been corrected in the manner suggested by the Examiner. Also, a terminal disclaimer is submitted with this response to overcome the double-patenting rejection.

Applicants have made a diligent effort to place the claims in condition for allowance. However, should there remain unresolved issues that require adverse action, it is respectfully requested that the Examiner telephone Applicants' Attorney at the number listed below so that such issues may be resolved as expeditiously as possible.

For these reasons, and in view of the above amendments, this application is now considered to be in condition for allowance and such action is earnestly solicited.

Respectfully Submitted,

September 24, 2007  
Date

/Holmes W. Anderson/  
Holmes Anderson, Reg. No. 37,272  
Attorney/Agent for Applicant(s)  
McGuinness & Manaras LLP  
125 Nagog Park  
Acton, MA 01720  
(978) 264-6664

Docket No. 160-040  
Dd: 9/27/2007